

## Message Text

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ACTION NEA-10

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R 260517Z AUG 76  
FM AMEMBASSY NEW DELHI  
TO SECSTATE WASHDC 7942  
INFO AMCONSUL BOMBAY  
AMCONSUL CALCUTTA  
AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 12521

E. O. 11652: GDS  
TAGS: PINT, IN  
SUBJECT: CONSTITUTIONAL REFORMS: THE GO-SLOW APPROACH

REF: NEW DELHI 11831

1. IT IS INCREASINGLY APPARENT THAT MRS. GANDHI HAS DECIDED TO ADOPT A GO-SLOW APPROACH TO INTRODUCING THE PACKAGE OF CONSTITUTIONAL REFORMS INTO PARLIAMENT. IN THE LAST TWO WEEKS, MP'S HAD BEEN TELLING US THAT THE OMNIBUS REFORM PACKAGE WOULD BE INTRODUCED TOWARD THE END OF THE CURRENT MONSOON SESSION AND THEN REFERRED TO A SELECT COMMITTEE FOR FURTHER CONSIDERATION. SAMACHAR REPORTED THAT THE CONSTITUTIONAL REFORM PROPOSALS WERE DISCUSSED "AT THE HIGHEST LEVEL" DURING A THREE-HOUR MEETING IN DELHI ON AUGUST 21. ONE MP HAS TOLD US THAT THE PARTICIPANTS IN THIS CONFERENCE INCLUDED MRS. GANDHI AND LEADERS (OR AT LEAST REPRESENTATIVES) OF THE MAJOR OPPOSITION PARTIES. ACCRDING TO THIS MP, THE OPPOSITION ARGUED THAT MORE TIME WAS NEEDED TO CONSIDER THE SWARAN SINGH COMMITTEE PROPOSALS, AND THE PRIME MINISTER AGREED.

2. WITH THE CURRENT SESSION OF THE LOK SABHA NOW SLATED TO END ON SEPTEMBER 1, TIME IS GROWING SHORT FOR THE INTRODUCTION OF THE REFORM PACKAGE. WE HAVE HEARD THAT THERE  
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IS A CHANCE THAT THE BILL MAY NOT BE INTRODUCED AT ALL,

AND ONE WELL-CONNECTED CONGRESS MP TOLD US THAT WHETHER THE REFORMS ARE INTRODUCED IN THIS SESSION OR NOT, THERE IS DISCUSSION OF A SPECIAL SESSION OF PARLIAMENT IN OCTOBER FOR THE EXPRESS PURPOSE OF CONSIDERING AND PASSING THEM. WE HAVE FURTHER HEARD THAT SUCH A SPECIAL SESSION MIGHT ALSO CONSIDER A PROPOSAL TO EXTEND THE LIFE OF PARLIAMENT BY ANOTHER YEAR (I.E., UNTIL FEBRUARY 1978) OR EVEN TO AMEND THE CONSTITUTION TO PROVIDE FOR A SIX OR SEVEN-YEAR TERM OF PARLIAMENT FOLLOWING EACH GENERAL ELECTION.

3. IT IS OUR UNDERSTANDING THAT THE PM IS UNDER VERY STRONG PRESSURE FROM MANY MP'S TO DELAY CONSTITUTIONAL AMENDMENTS. THE STORY ABOUT AN OCTOBER PARLIAMENTARY SESSION IS BEING SPREAD BY MP'S CLOSE TO SANJAY GANDHI WHO IS THE PRIMARY ADVOCATE FOR PUSHING THROUGH THE AMENDMENTS AND FOR DELAYING ELECTIONS.

4. SEVERAL WELL-INFORMED SOURCES--BOTH JP'S AND POLITICAL OBSERVERS--HAVE TOLD US THAT PROBABLY THE SINGLE MOST SENSITIVE AMENDMENT UP FOR CONSIDERATION IS THE ONE PROPOSING THAT ACCESS TO THE COURTS BE TAKEN AWAY FROM CIVIL SERVANTS IN DISPUTE AND GRIEVANCE CASES AND PLACED EXCLUSIVELY IN THE HANDS OF SPECIAL TRIBUNALS. CONCERN OVER THE IMPLICATIONS OF THIS AMENDMENT ARE SAID TO BE WIDESPREAD IN THE VARIOUS GOVERNMENT SERVICES AND STRONG DISSENT HAS BEEN LODGED PRIVATELY BOTH WITH THE SWARAN SINGH COMMITTEE AND THE PM. ANOTHER SENSITIVE AREA IS THE LEGISLATION OF PENALTIES FOR VIOLATION OF THE PROPOSED LIST OF "FUNDAMENTAL DUTIES AND OBLIGATIONS" OF THE CITIZEN. AT A MEETING ON AUGUST 25, SWARAN SINGH SAID THAT HE WOULD BE OPPOSED TO THE IMPOSITION OF SUCH PENALTIES.

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